

● PRINTER RUSH ●
(PTO ASSISTANCE)

Application : <u>09/887,789</u>	Examiner : <u>SMITH</u>	GAU : <u>3721</u>
From: <u>M. DONATO</u>	Location: <u>IDC</u> FMF FDC	Date: <u>12/28/05</u>
Tracking #: <u>EPN09887789</u>		Week Date: <u>11/07/05</u>

DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449	<hr/>	<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS	<hr/>	<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM	<hr/>	<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW	<hr/>	<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW	<hr/>	<input type="checkbox"/> Other
<input type="checkbox"/> DRW	<hr/>	
<input checked="" type="checkbox"/> OATH	<u>6/22/01</u>	
<input type="checkbox"/> 312	<hr/>	
<input type="checkbox"/> SPEC	<hr/>	

[RUSH] MESSAGE:

THE OATH/ DECLARATION IS NOT SIGNED BY ANY
OF THE INVENTORS.

THANK YOU.
MMJ

[XRUSH] RESPONSE:

see misc comm

Doe

INITIALS: MMJ

NOTE: This form will be included as part of the official USPTO record, with the Response document coded as XRUSH.
REV 10/04

**DANN, DORFMAN, HERRELL AND SKILLMAN,
A PROFESSIONAL CORPORATION**

1601 MARKET STREET • SUITE 720 • PHILADELPHIA, PA • 19103-2307
PHONE (215) 563-4100 • FAX (215) 563-4044

FACSIMILE COVER SHEET

URGENT

DATE: January 31, 2006
COMPANY: US PTO - Rori Burch
FAX: 571-273-9009
FROM: Stephen H. Eland
RE: 09/887,789

Total Number of Pages Including this Cover Sheet: 9

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT THE UNAUTHORIZED DISSEMINATION OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of **Whitman et al**
 Application No. **09/887,789**
 Attorney Docket No. **3556-P03147US1**
 Filed: **June 22, 2001**
 For: **Electro-Mechanical Surgical Device**

Certification of Facsimile Transmission

I hereby certify that the accompanying paper is being facsimile transmitted to the U.S. Patent and Trademark Office to Facsimile No. (571) 273-9009 on the date shown below.

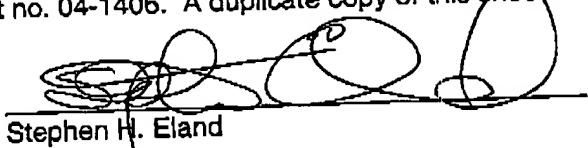
January 31, 2006
Date


Robin L. Dolan

Authorization to Charge Deposit Account

In the event any additional fees are required, the Commissioner is authorized to charge those fees to deposit account no. 04-1406. A duplicate copy of this sheet is included for fee processing, if necessary.

January 31, 2006
Date


Stephen H. Eland

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

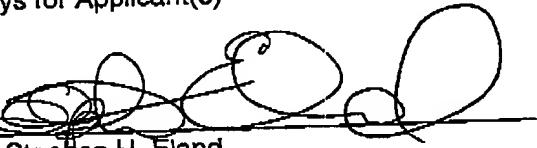
A Notice dated January 26, 2006, requested that Applicant submit a signed copy of the previously submitted Declaration. Applicant believes that the signed Declaration was submitted November 7, 2001. Nonetheless, in response to the Notice, attached is the following:

1. Executed Declaration;
2. Copy of Response to Notice to File Missing Parts dated Nov. 7, 2001;
3. Copy of Notice to File Corrected Application Papers; and
4. Authorization to Charge Deposit Account.

Respectfully submitted,

DANN, DORFMAN, HERRELL & SKILLMAN
A Professional Corporation
Attorneys for Applicant(s)

By


Stephen H. Eland
PTO Registration No. 41,010

Telephone: (215) 563-4100
Facsimile: (215) 563-4044

Or

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,789	06/22/2001	Michael P. Whisman	11443/56 3551 - PO 3147 US 1	7650
110 7590	01/26/2006	DANN, DORFMAN, HERRELL & SKILLMAN 1601 MARKET STREET SUITE 2400 PHILADELPHIA, PA 19103-2307	EXAMINER	SMITH, SCOTT A
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Serial Number
09837789

Date Mailed
1/26/06

NOTICE TO FILE CORRECTED APPLICATION PAPERS***Notice of Allowance Mailed***

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 30 days from the mail date of this Notice within which to correct the informalities indicated below. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136 (a) or (b).

- ◆ 1st, 2nd and 3rd inventor's signatures are missing from the oath/declaration. Fax missing information to number below or e-mail.
- ◆ For status updates visit <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR System, contact the Electronic Business Center (EBC) toll free at 866-217-9197.

APPLICANT MUST SUPPLY MISSING INFORMATION WITHIN 30 DAYS OF THE MAIL DATE OF THIS NOTICE.

A copy of this notice **MUST** be returned with the reply. Please address response to Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Rori Burch
USPTO
Publishing Division
Rori.burch@uspto.gov
Fax (571) 273-9009
Fax (703) 308-6642
703-305-0333 ext.135 (V)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

DECLARATION

ATTORNEY'S DOCKET NO. 11443/56

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name,

I believe I am an original, first, and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled **ELECTRO-MECHANICAL SURGICAL DEVICE**, the specification of which was filed on June 22, 2001 as U.S. Patent Application Serial No. 09/887,789.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

PRIOR UNITED STATES APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE (day, month, year)	STATUS (i.e. Patented, Pending, Abandoned)
09/324,451 12	02 June 1999	Pending
09/324,452 4	02 June 1999	Pending
09/351,534 13	12 July 1999	Pending
09/510,923 11	22 February 2000	Pending
09/510,927 10	22 February 2000	Pending
09/510,932 16	22 February 2000	Pending
09/723,715 24	28 November 2000	Pending
09/836,781 e (45) ⁴⁸	17 April 2001	Pending

SEND CORRESPONDENCE, AND DIRECT TELEPHONE CALLS TO:

Kenyon & Kenyon
One Broadway
New York, New York 10004
(212) 425-7200 (phone)
(212) 425-5288 (facsimile)



26646

PATENT TRADEMARK OFFICE

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR	FAMILY NAME WHITMAN	FIRST GIVEN NAME Michael	SECOND GIVEN NAME P.
RESIDENCE & CITIZENSHIP	CITY New Hope	STATE OR FOREIGN COUNTRY PA	COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS	POST OFFICE ADDRESS 16 Pheasant Run	CITY New Hope	STATE & ZIP CODE/COUNTRY PA 18938
Signature			Date 10/30/01

FULL NAME OF INVENTOR	FAMILY NAME BURBANK	FIRST GIVEN NAME John	SECOND GIVEN NAME E.
RESIDENCE & CITIZENSHIP	CITY Ridgefield	STATE OR FOREIGN COUNTRY CT	COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS	POST OFFICE ADDRESS 106 Haviland Road	CITY Ridgefield	STATE & ZIP CODE/COUNTRY CT 06877
Signature <i>John E. Burbank</i>		Date <i>10/30/01</i>	
FULL NAME OF INVENTOR	FAMILY NAME ZEICHNER	FIRST GIVEN NAME David	SECOND GIVEN NAME A.
RESIDENCE & CITIZENSHIP	CITY Oxford	STATE OR FOREIGN COUNTRY CT	COUNTRY OF CITIZENSHIP US
POST OFFICE ADDRESS	POST OFFICE ADDRESS 7 Wychwood Lane	CITY Oxford	STATE & ZIP CODE/COUNTRY CT 06478
Signature <i>D.G. Zeichner</i>		Date <i>10/30/01</i>	

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL
APPLICATION**

Application Number
09/887,789

Filing Date
June 22, 2001

Docket Number:
11443/56

Examiner
Not Yet Assigned

Art Unit
3739

Invention Title
ELECTRO-MECHANICAL SURGICAL DEVICE

Inventor(s)
Michael P. Whitman et al.

Address to:
Assistant Commissioner for Patents
Washington D.C. 20231
Box Missing Parts

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Missing Parts, Washington, D.C. 20231 on

Date: *7 Nov 2001*

Signature *Michelle M. Carniaux*, Reg. No. 36,098

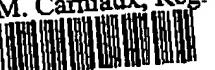
To complete the filing requirements for the above-referenced application under 37 C.F.R. § 1.51, enclosed please find a Declaration signed by the inventors and an Appointment of Power of Attorney By Assignee of Entire Interest. A copy of the Notice To File Missing Parts of NonProvisional Application mailed August 23, 2001 is also enclosed.

Applicants request a one month extension of time to respond to the Notice To File Missing Parts mailed August 23, 2001, resetting the response date to November 23, 2001. The extension fee of \$55.00 should be charged to the deposit account of Kenyon & Kenyon, deposit account number 11-0600.

1. The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.16(e) surcharge fee of \$65.00 and any additional fees to the deposit account of Kenyon & Kenyon, deposit account number 11-0600.
2. A duplicate of this sheet is enclosed.

Date: *7 Nov 2001*

By: *Michelle M. Carniaux*, Reg. No. 36,098



26646

PATENT TRADEMARK OFFICE

KENYON & KENYON
One Broadway
New York, New York 10004



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/887,789	06/22/2001	Michael P. Whitman	11443/56

CONFIRMATION NO. 7650

FORMALITIES LETTER



OC0000000006466118

KENYON & KENYON
 One Broadway
 New York, NY 10004

Date Mailed: 08/23/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

Customer Service Center
 Initial Patent Examination Division (703) 308-1202
 PART 2 - COPY TO BE RETURNED WITH RESPONSE